

COPY in B16

Opinion  
783-58

ATTORNEY-GENERAL

NEW HAMPSHIRE LAW LIBRARY

March 13, 1958

OCT 01 1998

CONCORD, N.H.

Mrs. Rose Couture, Chairman  
Board of Registration of Hairdressers  
61 South Spring Street  
Concord, New Hampshire

Dear Mrs. Couture:

Monday, March 10th, at your request I attended a joint meeting of the New Hampshire and Massachusetts Hairdressers Boards. One of the matters discussed at that meeting was an agreement made on September 4, 1952 between the two Boards. This letter is written to confirm in writing the opinions expressed at the meeting relative to the authority of the New Hampshire Hairdressers Board under RSA 314:10 with respect to certain provisions in the agreement. The provisions discussed are contained in the following two paragraphs which are excerpts from the agreement:

"We further agree that a person holding a current year hairdresser's license who makes application together with notarized affidavits giving proof of employment in a registered beauty shop for a period of one year, will be issued a Massachusetts hairdresser's license. The above in return for New Hampshire to recognize all students attending Massachusetts schools of beauty culture for a period of 1000 hours and upon completion of same, make application for examination and with the successful passing of same, will be issued a Massachusetts operator's license, said student to return for a course of 500 hours of advance practical training in a Massachusetts school of beauty culture and upon presentation of the complete record of hours of training and their current year Massachusetts operator's license together with the required application and fee, will be issued a hairdresser's license in New Hampshire without examination. Also, a person holding a current year Massachusetts hairdresser's license together with the presentation of properly notarized working affidavits together with application and fee will be issued a shop manager's license without examination providing their work period has been at least eighteen months.

It is further agreed that a person holding a current year Massachusetts operator's license who has had only 1000

C O P Y

Mrs. Rose Couture, Chairman  
Board of Registration of Hairdressers

-2-

3/13/58

hours of training in a beauty school, be permitted to enroll as an apprentice in a beauty shop located in New Hampshire for a period of one year subject to the requirements of the New Hampshire State Board and at the expiration of one year's apprenticeship, a hairdresser's license will be issued without examination upon making proper application accompanied by the required fee and affidavits."

Under both of these paragraphs the board presumes to bind itself to the issuance of New Hampshire hairdresser's licenses without examination. Under the first paragraph a girl attending a Massachusetts school of cosmetology for 1000 hours, who obtains a Massachusetts operator's license and then returns to school for 500 additional hours is given a New Hampshire license without examination. Under the second paragraph a girl attending a course consisting of 1000 hours at a Massachusetts school and obtaining a Massachusetts operator's permit is given a New Hampshire hairdresser's license after serving a one year apprenticeship here.

We are of the opinion that the Board has no authority to issue licenses under the procedures outlined in the previous paragraph and that the agreement is inoperative to the extent that it provides for the issuance of New Hampshire hairdressers' licenses in these circumstances.

The issuance of hairdressers' licenses is authorized by two separate sub-sections of New Hampshire law. Under the first of these provisions, RSA 314:10 I(a), an examination by the New Hampshire Hairdressers Board is required before any license may be issued thereunder. Since under the procedures outlined above no examination is given, the issuance of the licenses is not authorized under this sub-section.

The second provision authorizing the issuance of hairdressers' licenses is RSA 314:10 I(c) as follows:

"(c) Nonresidents. The board may license without examination any hairdresser or manicurist who has been registered or licensed as such under the laws of another state which, in the opinion of the board, maintains a standard substantially equivalent to that of this state and in which hairdressers and manicurists licensed in this state are given like recognition, upon payment of the fee herein provided."

Since the individuals in question are licensed as "operators" and not as "hairdressers" they are not entitled to be licensed under this sub-section. Under Massachusetts law the holder of an operator's license is not entitled to be registered as a hairdresser until she has completed one year's practical experience under a Massachusetts hairdresser. RSA 314:10 I(c) authorizes the issuance of a hairdresser's license only when the applicant holds a hairdresser's license under the laws of another state which in the opinion of the board maintains a standard substantially equivalent to that of

C O P Y

Mrs. Rose Couture, Chairman  
Board of Registration of Hairdressers

-3-

3/13/58

this State and in which hairdressers licensed in this State are given like recognition.

We understand that the Massachusetts Hairdressers Board plans to introduce legislation before the current session of the Massachusetts legislature which would permit the holders of Massachusetts operator's licenses to receive the year of practical experience in New Hampshire under the supervision of the holder of a New Hampshire hairdresser's license. It is contemplated that the New Hampshire Board will cooperate with Massachusetts authorities by receiving reports and affidavits from the supervising New Hampshire hairdressers and forwarding the same to the Massachusetts Board. When you are ready to incorporate the details of this arrangement in a written agreement with Massachusetts authorities we recommend that the new agreement be submitted to this office for approval and comment.

We are enclosing an extra copy of this opinion as requested for transmittal through you to the Massachusetts Board.

Very truly yours,

ETB/m

Elmer T. Bourque  
Assistant Attorney General